

**STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF REGISTERED NURSING MINUTES**

DATE: November 28-29, 2012

LOCATION: Crowne Plaza Hotel
San Francisco International Airport
1177 Airport Blvd.
Burlingame, CA 94010

PRESENT: Raymond Mallel, President
Cynthia Klein, RN, Vice President
Erin Niemela
Michael D. Jackson, BSN, RN
Trande Phillips, RN

ALSO PRESENT: Louise Bailey, M.Ed., RN, Executive Officer
Stacie Berumen, Assistant Executive Officer
Janette Wackerly, Supervising NEC
Don Chang, DCA Legal Counsel
Kim Ott, Appeals and Decisions Analyst
Ronnie Whitacker, Appeals and Decisions Analyst
Christina Sprigg, Administration and Licensing Deputy Chief
Rose Ramos, Administrative Assistant
Carol Stanford, Diversion Program Manager
Katie Daugherty, NEC
Kay Weinkam, NEC
Miyo Minato, Supervising NEC
Leslie Moody, NEC
Beth Scott, Discipline, Probation and Diversion Deputy Chief

Wednesday, November 28, 2012

1.0 Call to Order

Raymond Mallel, Board President, called the meeting to order at 9:10 am and had the Board Members introduce themselves.

2.0 Public Comment for Items Not on the Agenda

No public comment.

3.0 Review and Approve Minutes

➤ September 27-28, 2012 Meeting

The following amendment was made on the September 27-28, 2012 Meeting Minutes in regards to Indiana State University:

Plan for Continuing the Partnership

The information concerning the plan for continuing the Partnership until all currently enrolled nursing students finish the curriculum was insufficient. Hence, it was not possible to determine if the plan meets BRN requirements.

~~The following data was not provided:~~

The following data was provided but it failed to comply with the BRN standards:

- Projected student enrollment by course through completion of the Partnership, and
- Clinical placements (both preceptorships and on-site clinical faculty model) by course through completion of the program

MSC: Klein/Jackson motion to accept and approve the minutes with the corrections stipulated for Board Meeting held on September 27-28, 2012. 5/0/0

4.0 Report on Board Members' Activities

Michael Jackson reported Board Members attending the California Associate Degree Directors and California Association of Colleges of Nursing held October 3, 2012.

5.0 Board and Department Activities

Louise Bailey presented this report

<p>Current Registered Nurse Licensee Population is: 399,047 Current Advance Practice Population is: 80,998*</p>

5.1 Board Member Appointment

Jeanette Dong was appointed by the Speaker of the Assembly on November 14, 2012 and her term expires on June 1, 2016. Ms. Dong has been involved in public policy for over 25 years. She is currently the Chief of Staff for Wilma Chan, Supervisor for District 3 of the Alameda County Board of Supervisors.

5.2 Budget Update

AG Budget – As of October 31, 2012 the Board has expended 60% of its AG line item allocation. The Board will request an augmentation pursuant to Budget Bill Language (Item 1110-402) related to AG expenditures contained in the 2010 Budget Act. In fiscal year 2010/11 the Legislature approved a \$2.278 million augmentation. Last fiscal year the Board was able to redirect within existing resources due to position vacancy savings as a result of the hiring freeze and therefore did not need to submit an augmentation request.

5.3 Regulation Update

Out-of-State Practitioner Regulatory Proposal — The Board's rulemaking action implementing Business and Professions Code Section 901, which permits health care

professionals, including registered nurses, licensed in another state to provide free health care services at sponsored health care events without obtaining a California license, was submitted to the Office of Administrative Law (OAL) in October 2012 for review and approval. The regulatory action was approved by OAL, filed with the Secretary of State, and became effective November 27, 2012.

5.4 Department of Consumer Affairs (DCA) Updates

Michael Gomez has been appointed to serve as the Deputy Director of the Division of Investigation and Enforcement Programs for the California Department of Consumer Affairs (DCA) effective October 22, 2012. Mr. Gomez has been a Bureau Chief with the Commission on Peace Officer Standards and Training at the California Department of Justice since 2005. He was Vice Mayor and a Councilmember for the City of Dixon from 2006 to 2008. He was Chief, Division of Investigation at the Department of Consumer Affairs from 1995 to 2004 and Principal and Chief Consultant for the Senate Committee on Business and Professions from 1987 to 1995. Mr. Gomez graduated from the Federal Bureau of Investigation National Academy in 2000.

BreEZe – The BreEZe Project to replace all current legacy databases is scheduled to roll out in early 2013. The BRN is in Release One of the project and has devoted numerous staff to various areas of the BreEZe Project to ensure the new system functions properly and includes all required functionality. Over the past two years BRN has provided more than 17 staff members to work in various areas of the project such as, subject matter experts (SMEs), data verification, user acceptance testing (UAT), and training. BRN experts have spent many hours scrutinizing internal board processes and functions for licensure, enforcement, renewals and cashing to ensure the BreEZe contractors create a system that provides ease of use and functionality.

The project started with staff diagramming all internal and online processes for licensure, discipline, renewals, and cashing then worked directly with the vendor's to ensure their understanding of all BRN functions. This was a back and forth process for almost a year with the vendor. The next phase was to ensure what was created for the board was consistent with what was necessary to complete our daily functions. As we moved into the testing and data verification phase staff had to devote additional time to ensure all of our work processes correctly and all statutory mandates are met. They also ensure information in our current systems will transition appropriately to the new system and is locatable. We also have staff identified as trainers. Trainers will go through a five week training course on the entire BreEZe system and will learn how to train internal BRN staff in another five week training session. The BreEZe system will not only combine our legacy databases, but will completely change the way board staff do their jobs. Many of our internal processes will be affected and BRN management is working with the SME's to ensure that all functions are documented and staff is appropriately trained.

We learned throughout this process that it is in our best interest to provide some of our most knowledgeable staff to help create and implement this new system. We look forward to the roll out of the new product in early 2013.

5.5 BRN Report Newsletter

The 2012 winter edition of the BRN Report Newsletter has been drafted and is currently being reviewed and finalized by the BRN staff, legal office and DCA. It is planned that the newsletter will be on the BRN website the middle of December.

5.6 Public Record Requests

The BRN continues to comply with public record requests and responds within the required timeframes that are set in Government Code Section 6250. For the period of September 25, 2012 through November 19, 2012, the BRN received and processed 10 public record requests.

5.7 Personnel

The following personnel changes have transpired since the last Board Meeting:

NEW HIRES		
Name	Classification	Board Program
Jessica Thure	Program Technician	Call Center
Sophia Garcia	Program Technician	Call Center
Tirzah Hollands	Office Technician	Complaint Intake

NEW ASSIGNMENTS		
Name	Classification	Board Program
Gus Krumm	Office Technician	Probation

No public comment.

6.0 Report of the Administrative Committee

Raymond Mallel, Esq., Chairperson
Don Chang provided legal opinion.

6.1 Legal Opinion Regarding Out of State Schools Partnership Model

BACKGROUND:

History of Out-of-State (OOS) Partnership Model

The BRN developed the OOS Partnership Model in 2006. This model evolved from requests from online out-of-state pre-licensure registered nursing programs. These programs were interested in its California-based students taking their clinical nursing courses in their local communities in California. Since the BRN lacks jurisdictional

authority to approve out-of-state pre-licensure RN programs, the OOS Partnership Model was developed.

Legal Authority

Section 2729 (a) of the California Nursing Practice Act states: Nursing services may be rendered by a student when these services are incidental to the course of study of one of the following: A student enrolled in a board-approved prelicensure program or school of nursing.

Based on this statute, online out-of-state prelicensure RN programs seeking clinical placements for its California-based students were advised to establish partnerships through a written Memorandum of Understanding (MOU) with a California BRN approved prelicensure RN program. In order to ensure quality of education, consumer protection and provide direction for institutions seeking partnerships, the BRN developed detailed requirements for both the MOU and the clinical facility agreements.

Legal Conclusion

For purposes of the student exemption in section 2729, the out-of-state school's nursing students are not enrolled in the Board approved nursing program and may not provide nursing services as part of a clinical program conducted in California.

Since the students in question were not enrolled in the Board approved prelicensure program, the Board has no legal responsibility to enforce or oversee the out-of-state school nor may it permit students enrolled in such a school to continue impermissibly to provide nursing services in California.

An administrative agency is not bound by its prior statutory interpretation if it determines that prior interpretation was in fact erroneous. *State Bd. Of Education v. Honig* (1993) 13 Cal.App., 4th 720, 764. Thus while the BRN initially approved the MOU in 2007, it has subsequently been determined that such action was not consistent with the provisions of the NPA. Accordingly, the BRN is permitted to correct that erroneous decision.

Public comments:

Mark Ivory, College Network, representing Indiana State University
John Garamendi, Jr., California Clinical Completion Program
Dave Helmsin, Capitol Advocacy

MSC: Jackson/Phillips to accept the legal opinion. 5/0/0

MSC: Phillips/Jackson to approve that the Board does not have jurisdiction and the policy authority to go beyond a certain point given the Board's purview in terms of licensing and certifying out-of-state programs, out of BRN jurisdiction. 5/0/0

7.0 Report of the Legislative Committee
Erin Niemela, Chairperson

7.1 Adopt/Modify Positions on Bills of Interest to the Board, and any other Bills of Interest to the Board introduced during the 2011-2012 Legislative Session.
Kay Weinkam presented this report

Assembly Bills

AB 40
AB 1588
AB 2296

Senate Bills

SB 122
SB 1524

Bill No.: AB 40 (Yamada)
Subject: Elder abuse: reporting
Date Last Amended: 8/23/12
Bill Status: Chapter 659, Statutes of 2012

SUMMARY:

The Elder Abuse and Dependent Adult Civil Protection Act establishes various procedures for the reporting, investigation, and prosecution of elder and dependent adult abuse. The act requires certain persons, called mandated reporters, to report known or suspected instances of elder or dependent adult abuse. The act requires a mandated reporter to report the abuse to the local ombudsperson or the local law enforcement agency if the abuse occurs in a long-term care facility. Failure to report physical abuse and financial abuse of an elder or dependent adult under the act is a misdemeanor.

ANALYSIS:

This bill was amended six times after it was introduced. The current bill now requires a mandated reporter to report by telephone the suspected or alleged physical abuse that results in serious bodily injury, as defined, that occurs in a long-term care facility to the local law enforcement agency, immediately, and no later than within 2 hours of the reporter observing, obtaining knowledge of, or suspecting the physical abuse. A written report must be made to the local ombudsman, the corresponding licensing agency, and the local law enforcement agency within 2 hours of the reporter observing, obtaining knowledge of, or suspecting the physical abuse. The bill requires that, if the suspected abuse does not result in serious bodily injury, a mandated reporter make a report by telephone and in writing within 24 hours of the reporter observing, obtaining knowledge of, or suspecting the physical abuse, as specified.

Bill No.: AB 1588 (Atkins)
Subject: Professions and vocations: reservist licensees: fees and continuing education.
Date Last Amended: 8/22/12
Bill Status: Chapter 742, Statutes of 2012

SUMMARY:

Existing law provides for the regulation of various professions and vocations by boards within the Department of Consumer Affairs and for the licensure of individuals in that regard. Existing law authorizes any licensee whose license expired while he or she was

on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license without examination or penalty if certain requirements are met.

ANALYSIS:

This bill would require the boards described above to waive the renewal fees and continuing education requirements, if either is applicable, of any licensee who is a reservist called to active duty as a member of the United States Military Reserve or the California National Guard if certain requirements are met.

Amended analysis of 3/5/12:

This bill amendment would add commissions and bureaus within the Department of Consumer Affairs and use registration/registrant as well as licensure/licensee.

Amended analysis of 6/25/12:

This bill amendment deletes reference to commissions and bureaus and would require the boards described above to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is a reservist called to active duty as a member of the United States Military Reserve or the California National Guard if certain requirements are met. The bill would require a licensee or registrant to meet certain renewal requirements within a specified time period after being discharged from active duty service prior to engaging in any activity requiring a license.

Amended analysis of 8/22/12:

This bill amendment would, additionally, prohibit a licensee or registrant from engaging in any activities requiring a license while a waiver is in effect. If the licensee or registrant will provide services for which she or he is licensed while on active duty, the board shall convert the license status to military active and no private practice of any type shall be permitted. The amendment would apply to any licensee called to active duty as a member of the United States Armed Forces, and require a licensee to notify the board of his or her discharge from active duty within sixty days of receiving the notice of discharge.

Bill No.:	AB 2296 (Block)
Subject:	California Private Postsecondary Education Act of 2009
Date Last Amended:	8/21/22
Bill Status:	Chapter 585, Statutes of 2012

SUMMARY:

Existing law, the California Private Postsecondary Education Act of 2009, provides, among other things, for student protections and regulatory oversight of private postsecondary schools in the state. The act is enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs. The act prohibits an institution, as defined, from, among other things, offering an unaccredited doctoral degree program without disclosing to prospective students prior to enrollment that the degree program is unaccredited, whether the degree issued is in a field that requires licensure in California, and any known limitation of the degree, including, but not limited

to, whether the degree is recognized for licensure or certification in California and other states.

The act requires an institution to provide a prospective student prior to enrollment with a school catalog and a School Performance Fact Sheet, which are required to contain specified disclosures relating to the school or a particular program. The act also requires an institution to submit an annual report to the bureau that includes specified information for educational programs offered in the reporting period.

ANALYSIS:

This bill would apply that prohibition to the offering of associate, baccalaureate, and masters degree programs as well.

This bill would require the school catalog to include a statement specifying whether the institution, or any of its programs, are accredited by an approved accrediting agency of the United States Department of Education, and, if the institution offers an associate, baccalaureate, masters, or doctoral degree program that is not accredited by such an agency, the statement would be required to disclose that nonaccreditation and all known limitations of the degree.

The bill would require an institution that maintains an Internet Web site to include specific information related to its programs to provide on that Internet Web site the school catalog, a School Performance Fact Sheet for each educational program offered by the institution, student brochures offered by the institution, a link to the bureau's Internet Web site, and the institution's most recent annual report submitted to the bureau.

Amended analysis of 4/9/12:

This bill amendment would the list specified limitations of the degree program whose disclosure the bill would require.

This bill amendment would require the school catalog to include a statement specifying whether the institution, or any of its programs, are accredited by an approved accrediting agency of the United States Department of Education, and, if the institution is not accredited, or offers an associate, baccalaureate, master's, or doctoral degree program that is not accredited in a field that requires licensure in California, the bill would require the statement to disclose that nonaccreditation and all known and specified limitations of the degree program.

This bill amendment also reflects additional information to be contained in the School Performance Fact Sheet and annual report made to the Bureau.

Amended analyses of 6/13, 6/27, 8/6, and 8/21/12:

These bill amendments relate to the definition of graduates employed after graduation. The amendment of 8/6 now provides that definition is to now include graduates who are gainfully employed within 6 months of a specified date in a single position for which the institution represents the program prepares its graduates, as specified. Language changes for clarification are also made. The bill amendment of 8/21 would change the date to July 1, 2014, by which the bureau shall define specific measures and standards for

determining whether a student is gainfully employed in a full-time or part-time position for which the institution represents the program prepares its graduates.

Bill No.: SB 122 (Price)
Subject: Healing Arts
Date Last Amended: 8/20/12
Bill Status: Chapter 789, Statutes of 2012

SUMMARY:

Existing law, until January 1, 2012, creates within the Department of Consumer Affairs the Board of Registered Nursing, and makes the board responsible for the licensure and regulation of registered nurses.

Existing law requires the board to meet quarterly.

Existing law defines the term "approved school of nursing" and requires the board to approve and regulate registered nursing schools that are institutions of higher education or are affiliated with an institution of higher education, as specified.

Existing law requires a school of nursing that is not affiliated with an institution of higher education to make an agreement with such an institution for purposes of awarding nursing degrees.

Existing law provides that it is unlawful for anyone to conduct a school of nursing unless the school has been approved by the board.

ANALYSIS:

This bill would require meetings of the board to be held in northern and southern California.

This bill would delete the provisions requiring an agreement and would instead require that a school of nursing that is not an institution of higher education or that is affiliated with an institution of higher education, and that is subject to the requirements set forth in the California Private Postsecondary Education Act of 2009, obtain board approval to grant nursing degrees.

The bill would require new nursing schools seeking board approval to be recognized or approved by an accrediting agency recognized by the United States Department of Education.

The bill would specify that the term "approved school of nursing" includes an approved nursing program.

The bill would subject all approved schools of nursing to specified fees for deposit into the Board of Registered Nursing Fund, a continuously appropriated fund. Because the bill adds a new source of revenue to a continuously appropriated fund, the bill would make an appropriation.

- The fee for approval of a school of nursing shall be five thousand dollars (\$5,000).
- The fee for continuing approval of a new nursing program shall be three thousand five hundred dollars (\$3,500).
- The processing fee for authorization of a substantive change to an approval of a school of nursing shall be five hundred dollars (\$500).

This bill would authorize the board to issue cease and desist orders to a school of nursing that is not approved by the board and would require the board to notify the office of the Attorney General of such a school. The bill would also provide that it is unprofessional conduct for any registered nurse to violate that provision.

Amended analysis of 1/10/12:

This bill amendment would delete the requirement for recognition or approval of a new nursing school by an accrediting agency recognized by the U.S. Department of Education.

Amended analysis of 6/12/12:

This bill would add provisions related to the Medical Board of California and to massage therapists, with the resultant change in bill title from Nursing to Healing Arts.

This bill amendment would delete the provisions requiring an agreement between a school of nursing that is not affiliated with an institution of higher education and such institution for purposes of awarding nursing degrees. It would instead allow the board to approve a school of nursing that is affiliated with an institution of higher education, and that is subject to the requirements set forth in the California Private Postsecondary Education Act of 2009, to grant nursing degrees.

This bill amendment would also require the board to have a memorandum of understanding with the Bureau for Private Postsecondary Education to ensure that institutions approved by the bureau shall not be required to pay an additional application fee to the bureau for the addition of a school of nursing approved by the board, and to delineate the powers of the board and bureau, as specified.

This bill amendment would specify that the fee for continuing approval of a nursing program established after January 1, 2013, shall be three thousand five hundred dollars (\$3,500).

Lastly, this bill amendment would require the board to also notify the office of the Attorney General of a school of nursing that has not received board approval.

Amended analysis of 6/21/12:

This bill amendment would provide that the memorandum of understanding with the Bureau for Private Postsecondary delineate the powers of the board to review and approve schools of nursing and the powers of the bureau to protect the interest of students attending institutions governed by the Private Postsecondary Education Act of 2009.

Amended analysis of 7/2/12:

This bill amendment deleted the provisions related to the Medical Board of California.

Amended analysis of 8/20/12:

This bill amendment adds provisions related to the Medical Board of California, and deletes provisions related to massage therapists. There are no changes related to the Board of Registered Nursing.

Bill No.: SB 1524 (Hernandez, E.)
Subject: Nursing
Date Last Amended: 6/28/12
Bill Status: Chapter 796, Statutes of 2012

SUMMARY:

Existing law, the Nursing Practice Act, provides for licensing and regulation of nurse practitioners. Existing law authorizes a nurse practitioner to furnish or order drugs or devices under specified circumstances subject to physician and surgeon supervision, including, among other things, when a nurse practitioner has completed specified supervised experience of at least 6 months' duration and a course in pharmacology.

ANALYSIS:

This bill would delete the requirement for supervised experience and a pharmacology course.

Amended analysis of 3/28/12:

This bill amendment would include nurse-midwives. This bill amendment also deletes the requirement for supervised experience, and retains the requirement for the course in pharmacology.

Amended analysis of 6/6/12:

This bill amendment would delete the requirement for at least 6 months' duration of supervised experience. The bill would specify that, with respect to nurse practitioners, a physician and surgeon may determine the extent of the supervision in connection with the furnishing or ordering of drugs and devices.

Amended analysis of 6/28/12:

This bill amendment would delete the requirement for at least 6 months' duration of supervised experience. The bill would authorize a physician and surgeon to determine the extent of the supervision in connection with the furnishing or ordering of drugs and devices by a nurse practitioner or nurse-midwife.

No public comment.

7.2 2011-2012 Goals and Objectives: Summary of Accomplishments

GOAL 1: Keep the Board of Registered Nursing informed about pertinent legislation and regulations that may affect nursing

practice, education, and nurses' roles in the delivery of health care and administrative functions of the Board.

OBJECTIVE: 1.1 Analyze legislative proposals and make position recommendations to the Board at each Board meeting.

The committee provided information and analyses of each bill followed, and made recommendations to the Board at each Board meeting.

During the 2011-2012 Legislative Session, many bills of general interest to the Board or those having potential impact on the administration of the Board were followed. Although these bills address many subjects, each affects registered nursing in some way. The Board followed thirty-one (31) bills of which nineteen (19) were signed into law by the Governor, one (1) joint resolution was passed by the Assembly and Senate, four (4) bills were vetoed, and seven (7) failed in committees or were no longer applicable to the Board. The following is a brief description of those bill followed by the Board that were chaptered. Unless otherwise stated, the statutes of 2011 became effective January 1, 2012, and the statutes of 2012 become effective January 1, 2013.

GOAL 2: Monitor current legislation on behalf of the Board.

OBJECTIVE: 2.1 Advocate for or against legislation as directed by the Board.

The committee monitored legislative bills relative to the Board, and committee staff advocated for bills supported by the Board and voiced the concerns of the Board for those bills in opposition.

- Committee staff continued to respond to public inquires concerning bills followed by the Board.
- Board members or committee staff attended numerous Senate and Assembly committee hearings concerning bills followed by the Board.

OBJECTIVE: 2.2 Review and suggest appropriate amendments as necessary.

The committee staff participated in recommending and writing amendments to specific bills relative to Board action.

- Committee staff attended legislative meetings and communicated with legislators' staff to articulate the Board's position on specific bills.
 - Committee staff sent letters to various senators and assembly members expressing the Board's position of support or opposition to their respective bills.
 - Committee staff corresponded with the Governor requesting that specific bills, relative to the Board of Registered Nursing and consistent with the Board's action, be signed or vetoed.
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GOAL 3: Serve as a resource to other Board Committees on legislative and regulatory matters.

OBJECTIVE: 3.1 Assist other Board Committees in reviewing legislative regulatory proposals.

Committee staff served as a resource to other Board committee members and committee liaisons concerning legislative issues that impacted their respective committees. The following are examples of issues and projects on which the committee staff collaborated with other committees and/or staff:

- Franchise Tax Board: delinquent tax debt- Administrative Committee
- Schools: emergency medical assistance: administration of epilepsy medication- Nursing Practice
- Physician supervision for the use of lasers and intense pulse light devices in elective cosmetic procedures- Nursing Practice
- Agreements with expert consultants- Diversion/Discipline Committee
- License: prior military education- Education/Licensing
- Meetings of the Board of Registered Nursing and matters related to schools of nursing- Administrative Committee

GOAL 4: Enhance the Board's process to proactively identify legislation that potentially impacts nursing and the Board.

OBJECTIVE: 4.1 Evaluate additional resources, e.g. Internet, new legislative publications, etc., as sources of pertinent legislative information.

Committee staff utilized California Legislative Information maintained by the Legislative Counsel on the Internet, as well as StateNet. Legislative publications from various associations, and state publications, were also used as resources for legislative activities.

OBJECTIVE: 4.2 Maintain consistent dialogues with Department of Consumer Affairs (DCA) Legislative Unit, Legislators and their staff.

The committee was proactive in identifying and monitoring legislation relative to the Board.

- Committee staff communicated frequently and regularly with DCA Legislative staff to identify proposed legislation and its potential impact on the BRN.
- Committee staff met and communicated frequently with organizations, and sponsors of legislation to articulate and clarify issues relative to the BRN.
- Committee communicated with other state departments, relative to legislation impacting the BRN.

OBJECTIVE: 4.3 Provide testimony to the Legislature, on behalf of the Board, as requested.

Board members or committee staff provided testimony to the Legislature related to bills of impact for the Board or for nursing.

No public comment.

7.3 2011-2012 Legislative Session Summary

During the 2011-2012 Legislative Session, many bills of general interest to the Board or those having potential impact on the administration of the Board were followed. Although these bills address many subjects, each affects registered nursing in some way. The Board followed thirty-one (31) bills of which nineteen (19) were signed into law by the Governor, one (1) joint resolution was passed by the Assembly and Senate, four (4) bills were vetoed, and seven (7) failed in committees or were no longer applicable to the Board. The following is a brief description of those bill followed by the Board that were chaptered. Unless otherwise stated, the statutes of 2011 became effective January 1, 2012, and the statutes of 2012 become effective January 1, 2013.

AB 40 (Yamada)

Chapter 659, Statutes of 2012

Elder abuse: reporting

AB 40 requires a mandated reporter to report by telephone the suspected or alleged physical abuse, as defined, that occurs in a long-term care facility, to the local law enforcement agency, immediately, and no later than within 2 hours of the reporter observing, obtaining knowledge of, or suspecting the physical abuse. A written report must be made to the local ombudsman, the corresponding licensing agency, and the local law enforcement agency within 2 hours of the reporter observing, obtaining knowledge of, or suspecting the physical abuse. The bill requires that, if the suspected abuse does not result in serious bodily injury, a mandated reporter make a report by telephone and in writing within 24 hours of the reporter observing, obtaining knowledge of, or suspecting the physical abuse, as specified.

AB 1424 (Perea)

Chapter 455, Statutes of 2011

Franchise Tax Board: delinquent tax debt

AB 1424 authorizes all State licensing entities, including the Board of Registered Nursing as a board and bureau under the Department of Consumer Affairs, other than the Contractors' State License Board, to deny, suspend, or revoke a license if the licensee or applicant's name appears on the Franchise Tax Board's or the State Board of Equalization's certified lists of the top 500 largest tax delinquencies over \$100,000. This bill authorizes the Department of Consumer Affairs to suspend a license in the event that a board fails to take action.

AB 1434 (Feuer)

Chapter 519, Statutes of 2012

Child abuse reporting: mandated reporters

AB 1434 adds employees and administrators of a public or private postsecondary institution, whose duties bring the administrator or employee into contact with children on a regular basis or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution's premises or at an official activity of, or program conducted by, the institution, to the list of individuals who are mandated reporters.

AB 1588 (Atkins)

Chapter 742, Statutes of 2012

Professions and vocations: reservist licensees: fees and continuing education

AB 1588 requires the Board of Registered Nursing, as being among the boards within the Department of Consumer Affairs that regulate professions and vocations, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met. The bill prohibits a licensee or registrant from engaging in any activities requiring a license while a waiver is in effect. If the licensee or registrant will provide services for which he or she is licensed while on active duty, the board shall convert the license status to military active and no private practice of any type shall be permitted. The bill requires a licensee or registrant to meet certain renewal requirements within a specified time period after being discharged from active duty service prior to engaging in any activity requiring a license. The bill requires a licensee or registrant to notify the board of his or her discharge from active duty within a specified time period.

AB 1896 (Chesbro)

Chapter 119, Statutes of 2012

Tribal health programs: health practitioners

AB 1896 codifies the federal requirement by specifying that a person who is licensed as a health care practitioner in any other state and is employed by a tribal health program is exempt from this state's licensing requirements with respect to acts authorized under the person's license where the tribal health program performs specified services.

AB 1904 (Block)

Chapter 399, Statutes of 2012

Professions and vocations: military spouses

AB 1904 requires the Board of Registered Nursing, as a board within the Department of Consumer Affairs, to expedite the licensure process for an applicant who holds a license in the same profession or vocation in another jurisdiction and is married to, or in a legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

AB 2296 (Block)

Chapter 585, Statutes of 2012

California Private Postsecondary Act of 2009

AB 2296 prohibits an institution, as defined, from, among other things, offering an unaccredited associate, baccalaureate, master's degree, or doctoral degree program without disclosing to prospective students prior to enrollment that the degree program is unaccredited, whether the degree issued is in a field that requires licensure in California, and any known limitation of the degree, including, but not limited to, whether the degree is recognized for licensure or certification in California and other states. The bill lists specified limitations of the degree program whose disclosure the bill requires. This bill requires the school catalog to include a statement specifying whether the institution, or any of its degree programs, is accredited by an accrediting agency recognized by the United States Department of Education, and, if the institution is unaccredited, or offers an associate, baccalaureate, master's, or doctoral degree program that is not accredited, the bill requires the statement to disclose the known and specified limitations of the degree program. The bill requires specified information to be contained on the program's Web site, in the school catalog, and in the School Performance Fact Sheet, and the annual report made to the Bureau for Private Postsecondary Education related to its unaccredited status. This bill requires an institution to annually report, and publish in its School Performance Fact Sheet, the most recent official 3-year cohort default rate for federal student loans for the institution and the percentage of enrolled students receiving federal student loans.

AB 2348 (Mitchell)

Chapter 460, Statutes of 2012

Registered nurses: dispensation of drugs

AB 2348 authorizes a registered nurse to dispense specified drugs or devices upon an order issued by a nurse-midwife, nurse practitioner, or physician assistant if the nurse is functioning within a specified clinic. The bill authorizes a registered nurse to dispense or administer hormonal contraceptives in strict adherence to specified standardized procedures.

AB 2462 (Block)

Chapter 404, Statutes of 2012

Public postsecondary education: academic credit for prior military academic experience

AB 2462 requires the Chancellor of the California Community Colleges to determine by July 1, 2015, the courses for which credit should be awarded for prior military experience, as specified.

AB 2570 (Hill)

Chaptered 561, Statutes of 2012

Licensees: settlement agreements

AB 2570 prohibits a licensee who is regulated by the Department of Consumer Affairs or various boards, bureaus, or programs, or an entity or person acting as an authorized agent of a licensee, from including, or permitting to be included, a provision in an agreement to settle a civil dispute that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the department, board, bureau, or program, or that requires the other party to withdraw a complaint from the department, board, bureau, or program that regulates the licensee, except as specified. A licensee in violation of these

provisions would be subject to disciplinary action by the board, bureau, or program. The bill prohibits a board, bureau, or program from requiring its licensees in a disciplinary action that is based on a complaint or report that has been settled in a civil action to pay additional moneys to the benefit of any plaintiff in the civil action. This bill authorizes a board, bureau, or program within the Department of Consumer Affairs to adopt a regulation exempting agreements to settle certain causes of action from these provisions.

AJR 24 (Bonilla)

Resolution Chapter 55, Statutes of 2012

Proposed federal Student-to-School Nurse Ratio Improvement Acts of 2011 and 2012

AJR 24 urges the members of California's congressional delegation to sign on as cosponsors of, and requests that the Congress and the President of the United States enact the proposed federal Student-to-School Nurse Ratio Improvement Act of 2011 or the proposed federal Student-to-School Nurse Ratio Improvement Act of 2012.

SB 98 (Senate Committee on Budget and Fiscal Review)

Chapter 4, Statutes of 2012

Nursing

SB 98, to take effect immediately, establishes a new Board of Registered Nursing, vests that board with the same powers as the previous board, and requires the board to appoint an executive officer. The bill repeals the authority of the board and its executive officer on January 1, 2016. The bill requires the executive officer of the prior board to serve as interim executive officer of the new board until the appointment of a permanent executive officer. The bill ratifies and declares valid a specified interagency agreement entered into between the former board and the director of the Department of Consumer Affairs and enacts other related provisions. This bill requires that one of the initial public members appointed by the Governor serve a term of one year, that the other public member initially appointed by the Governor serve a term of 5 years, that the initial licensed members serve terms of 2, 3, or 4 years, as specified, and that the initial public members appointed by the Senate Committee on Rules and the Speaker of the Assembly serve terms of 4 years. The bill appropriates specified sums from the Board of Registered Nursing Fund to the Board of Registered Nursing for purposes of administering the Nursing Practice Act.

SB 100 (Price)

Chapter 645, Statutes of 2011

Healing arts

SB 100, as relates to nursing practice, requires the Medical Board of California (MBC) to adopt regulations by January 1, 2013, regarding the appropriate level of physician availability needed within clinics or other settings using certain laser or intense pulse light devices for elective cosmetic procedures. The other provisions of this bill address the MBC and various issues related to accreditation of outpatient settings.

SB 122 (Price)

Chapter 789, Statutes of 2012

Healing arts

SB 122 requires meetings of the board to be held in northern and southern California. This bill deletes the provisions requiring a school of nursing that is not affiliated with an institution of higher education to make an agreement with such an institution for the purposes of awarding nursing degrees. The bill instead allows the board to approve a school of nursing that is affiliated with an institution of higher education, and that is subject to the requirements set forth in the California Private Postsecondary Education Act of 2009 to grant nursing degrees. The bill specifies that the term "approved school of nursing" includes an approved nursing program. The bill subjects all approved schools of nursing to specified fees for deposit into the Board of Registered Nursing Fund, a continuously appropriated fund. The bill requires the board to have a memorandum of understanding with the Bureau for Private Postsecondary Education to delineate the powers of the board and bureau, as specified. This bill authorizes the board to issue cease and desist orders to a school of nursing that is not approved by the board, and requires the board to notify the Bureau for Private Postsecondary Education and the office of the Attorney General of such a school. The bill makes it unprofessional conduct for any registered nurse to violate the provision that it is unlawful for anyone to conduct a school of nursing unless the school has been approved by the board. This bill also contains provisions related to licensure of physicians by the Medical Board of California.

SB 161 (Huff)

Chaptered 560, Statutes of 2011

Schools: emergency medical assistance: administration of epilepsy medication

SB 161 allows, until January 1, 2017, school districts, county offices of education, or charter schools to participate in a program to train nonmedical school employees to administer emergency antiseizure medication to students with epilepsy in the absence of a credentialed school nurse or other licensed nurse in accordance with guidelines developed by the State Department of Education in consultation with the State Department of Public Health. The bill requires the State Department of Education to post these guidelines on its Web site by July 1, 2012.

SB 541 (Price)

Chapter 339, Statutes of 2011

Regulatory boards: expert consultants

SB 541 authorizes boards that regulate and license professions and vocations within the Department of Consumer Affairs to enter into an agreement with an expert consultant, subject to the standards regarding personal service contracts in state employment, to provide enforcement and examination assistance. The bill requires each board to establish policies and procedures for the selection and use of these consultants. This bill takes effect immediately as an urgency statute.

SB 623 (Kehoe)

Chapter 450, Statutes of 2012

Public health: health workforce projects

SB 623 requires the Office of Statewide Planning and Development to extend the duration of Health Workforce Pilot Project No. 171 through January 1, 2014, to provide

the sponsors of the project an opportunity to achieve publication of the data collected during the project in a peer-reviewed journal, among other specified purposes.

SB 943 (Price)

Chapter 350, Statutes of 2011

Healing arts

SB 943, as relates to the Board of Registered Nursing, limits the board determination related to establishing competency to practice registered nursing to only the education of those applicants who have served on active duty in the medical corps in the United States Armed Forces. The applicants submit a record of specified training to the board for evaluation in order to satisfy the courses of instruction requirement. The applicants would continue to meet the other requirements for licensure. This bill also contains changes in the laws related to other healing arts licensees of boards within the Department of Consumer Affairs.

SB 1365 (Negrete McLeod)

Chapter 69, Statutes of 2012

Emergency medical services: immunity

SB 1365 extends existing liability limits applicable to firefighters, police officers or other law enforcement officers, and emergency medical technicians to include emergency medical services rendered during an emergency air or ground ambulance transport, and emergency medical services rendered by a registered nurse at the scene of an emergency or during an emergency air or ground ambulance transport. This bill provides that, for purposes of this law, "registered nurse" means a registered nurse trained in emergency medical services.

SB 1524 (Hernandez, E)

Chapter 796, Statutes of 2012

Nurse practitioners

SB 1524 deletes the requirement for at least 6 months' duration of supervised experience for nurse practitioner or nurse-midwife eligibility for a furnishing number. The bill authorizes a physician and surgeon to determine the extent of the supervision in connection with the furnishing or ordering of drugs and devices by a nurse practitioner or certified nurse-midwife.

No public comment.

7.4 2013-2014 Goals and Objectives for the Two-year Legislative Session

GOAL 1:

Keep the Board of Registered Nursing informed about pertinent legislation that may affect nursing practice, education, nurses' roles in the delivery of health care, and administrative functions of the Board.

OBJECTIVE: 1.1 Analyze legislative proposals and make position recommendations to the Board at each Board meeting.

GOAL 2: Monitor current legislation on behalf of the Board.

OBJECTIVE: 2.1 Advocate for or against legislation as directed by the Board.

OBJECTIVE: 2.2 Review and suggest appropriate amendments as necessary.

OBJECTIVE: 2.3 Provide testimony to the Legislature, on behalf of the Board, as requested.

GOAL 3: Serve as a resource to other Board committees on legislative and Regulatory matters.

OBJECTIVE: 3.1 Assist other Board committees in reviewing legislative and regulatory proposals.

GOAL 4: Enhance the Board's process to proactively identify legislation that potentially impacts nursing and the Board.

OBJECTIVE: 4.1 Evaluate resources, e.g. Internet, new legislative publications, etc., as sources of pertinent legislative information.

OBJECTIVE: 4.2 Maintain consistent dialogue with DCA's Legislative Unit, legislators, and their staff.

OBJECTIVE: 4.3 ~~Provide testimony to the Legislature, on behalf of the Board, as Requested.~~

No public comment and no motion required.

8.0 Report of the Diversion/Discipline Committee

Cynthia Klein, RN, Chairperson

8.1 Complaint Intake and Investigations Update

Stacie Berumen presented this report

PROGRAM UPDATE

Staff

Complaint Intake: Due to position reallocations, we now have two Enforcement NEC positions. Efforts to recruit for these positions remain unsuccessful as we are not competitive with monetary compensation. We are looking at ways to increase our hiring pool and will continue to advertise and recruit for these positions.

We recently hired one OT, to replace the OT who transferred to the Investigations Unit. She joined the Complaint Intake Unit on October 31.

Our SSAs are now back to full staff after one recently returned from a three month leave.

We were given a permanent, part-time AGPA position from the Licensing Unit who has joined us as a case analyst.

Investigations: Northern – We are currently recruiting for one Special Investigator position for the Fresno/Bakersfield region and plan to interview the first week of December. Three of our six investigators are new to the Special Investigator position and are still on probation. Although they are in learning mode, they are making steady progress.

Southern – We are currently recruiting for two Special Investigator positions, one for the San Diego area and the other in the North LA area. We plan to conduct interviews on November 28-29. There will be another Special Investigator position opening in the near future for the LA/Orange County area.

Due to the number of So Cal cases and the difficulty in recruiting qualified Special Investigator candidates, we were approved to keep our retired annuitant until the end of the fiscal year.

Program - Complaints

Complaint Intake – We have cleared the backlog of older conviction complaints and have very few pending prior to 2012. Those pending are due to court continuances.

Applicants for Licensure – In October of 2011, a letter went to all nursing program directors in California with instructions on how they could help improve application processing times for students with enforcement issues. Since that time, the need for follow-up letters requesting additional documentation has been reduced by 35-40%, further aiding us with our turnaround times. Applications with complete documentation are turned around within one week. Louise Bailey met with the school directors on October 3, 2012 and redistributed the letter to those who did not receive it last year. The letter was also included in a mass mailing to all school directors, along with the 2012 New Directors Handbook.

We are conducting regular planning sessions to tighten up and streamline internal procedures with the goal of having desk manuals for each job classification by the end of the year.

One of our SSAs, is devoting at least half of her time participating in the BreEZe User Acceptance Testing. We still do not have a “go live” date for BreEZe, so her involvement is on-going until we do. She has received kudos from OIS for her diligence and thoroughness in testing and the method she uses to document her findings.

Due to the increasing numbers of fraudulent transcripts being submitted with licensing applications, the BRN is working closely with other governmental agencies to assist us in completing our investigations.

8.2 Discipline and Probation Update

Beth Scott presented this report

PROGRAM UPDATE

Staff

The Probation Unit is fully staffed with six monitors. The new support staff person joined the unit on October 31, 2012. The Discipline Unit is fully staffed.

Two probation monitors and one discipline analyst are working with the BreEZe project verifying data and conducting user acceptance testing in preparation of the Go Live date for the new system. The discipline and probation staff participates in this project at least two afternoons per week.

The Discipline and Probation Program loses 160 hours per month of staff time due to state mandated furloughs.

Program – Discipline

Discipline will continue to audit charges from the AGs offices to determine if the BRN is being charged appropriately. Our BRN research analyst also reviews AG charges seeking out anomalies for review. The Governor signed legislation which limits billing disputes with the AG's office to 45 days after a bill has been submitted for payment by an agency.

Due to the abundance of cases that have been referred to the AGO, we have used over 60% of our allotted enforcement budget for the fiscal year. In order to deal with the projected shortfall, BRN administrative staff is meeting with DCA budget staff and looking at ways to maximize all available resources so as not to negatively affect case progress.

We have run statistics on our cases that are referred to the AG's office to assist us in our case movement efficiencies. Below are the averages, per case, from the time it is transferred to the AG until the pleading is received by the Board.

Fiscal Year	2009	2010	2011	2012
Average # of Days to Receive a Pleading	160	118	112	97

The average days to handle cases from the date a complaint was filed until the final disposition of the case is 718 days or approximately 1 year and 9 months. The total time to complete our cases continues to decline.

The total amount of open discipline cases are 1,802 with an average case load per analyst at 360. There are approximately 1,670 cases at the AG's office.

The Legal Support Analyst started preparing default decisions for the Sacramento Office effective October 1, 2012. The Legal Support Analyst has been working under the direction of DCA Legal Counsel to prepare default decisions for the Oakland and San Francisco AG Offices for approximately two years. We will continue to work with the AG to expand this process to include the San Diego and Los Angeles offices.

Two Discipline Analysts continue to work with the BreEZe project to become trainers for all DCA Boards and Bureaus when the project goes live. BreEZe is beginning the "train the

Nursys – Alerts for out of state discipline are received daily through Nursys.

Program - Investigations

Supervisors continue to work with their investigators on case plans, interview techniques, data gathering, subpoenas, and report writing templates to streamline the investigative process. The investigative management team is working on standardizing policies, procedures, and forms.

We continue to utilize the resources and expertise of DOI for cases that meet their investigation criteria, as well as those that are prioritized as high or urgent. The investigations management team met with Deputy Chiefs Daryl Walker and David Chriss, and Stephanie Whitley, Manager of Case Intake Unit on September 20, 2012 to make introductions of new staff and update one another on the status and concerns of the respective organizations. DOI remains very supportive of our investigation efforts and has offered to accommodate our investigators with interview rooms at the DOI offices throughout the state and to assist us with random drug testing, as needed. Details are being worked out with DOI to procedurally handle the drug testing during our investigations.

We plan to present BRN investigations statistics in upcoming DDC and Board updates to give a better idea of how the unit is performing as follows:

BRN Investigation Unit	Jan 2013	Feb 2013	Mar 2013	Apr 2013	May 2013
Total cases assigned					
Total cases unassigned (pending)					
Average days to case completion					
Average cost per case					

Our Supervising Special Investigator for So Cal presented the Report Writing module for the Enforcement Academy October 29-November 2, 2012.

Our Supervising Special Investigator and her Special Investigators met with Kaiser Legal on November 6, 2012 to streamline the process for requesting and obtaining documents with signed releases and subpoenas, as well as to give an overview of the unit and introduce staff.

Statistics

For fiscal year 2012/13, as of October 31, 2012, we received 2,743 complaints. Projected out, it is estimated we will receive more than 8,200 complaints by the end of this fiscal year. As of October 31, 2012, there are 752 pending DOI investigations; there are 240 assigned and 208 unassigned (pending) BRN investigations. It should be noted, there may be some discrepancies in these numbers and those on the published performance measurement reports, as we are still clearing up coding errors in the two systems we use to track our investigations.

Please review the enforcement statistics reports in 8.3 for additional breakdown of information.

No public comment and no motion required by the Board.

trainer” phase which will take a substantial amount of time from the office when training starts on December 3, 2012, through the beginning of next year.

Our Legal Support Analyst and other staff have been busy processing the back log of Decisions. *As of November 5, 2012:*

Decisions Adopted by Board	543
Pending Processing by legal support staff	46

Staff continues to increase its usage of citation and fine as a constructive method to inform licensees and applicants of violations which do not rise to the level of formal disciplinary action.

The BRN continues to issue citations for address change violations pursuant to the California Code of Regulations §1409.1. To date we have ordered \$25,100 for failure to update address change citations.

We continue to evaluate the records for RNs that have a social security number that is issued to more than one RN in violation of Business and Professions Code §30. To date we have ordered \$12,500 for failure to provide valid social security number citations.

We have issued more citations and received more payments than any time in BRN history.

Citation information below reflects the work for November 2011 through November 5, 2012.

Number of citations issued	581
Total fines ordered	\$376,525.00
Fines paid	\$197,733.00
Citations pending issuance	281+

The Discipline Unit continues to work on the NURSIS discipline data comparison project (SCRUB). The status of the documents reviewed:

Referred to the Attorney General	613
Pleadings Received	504
Default Decisions Effective	208
Stipulated Decisions Effective	151
Referred to Cite and Fine	61
Closed Without Action (Action taken by CA (prior to 2000) but not reported to Nursys or information approved at time of licensure)	871

Program – Probation

The Probation Unit presented the probation monitoring module at the DCA Enforcement Academy on November 2; as usual the presentation was well received by the participants of the class.

The case load per probation monitor is approximately 120.

The Department of Real Estate (DRE) requested the assistance of the Probation Unit to establish their probation program. The assistance and expertise of the probation unit has been appreciated by the staff of the DRE.

AG COSTS:

As of September 27, 2012, the BRN has expended \$1,107,460 at the AG's office on the NURSYS SCRUB cases.

Statistics - Discipline

Please review additional statistical information which can be found under item 8.3.

Statistics – Probation

Below are the statistics for the Probation program from July 1, 2012 to October 12, 2012

Probation Data	Numbers	% of Total
Male	172	24%
Female	541	76%
Chemical Dependency	369	51%
Practice Case	208	30%
Mental Health	1	<1%
Conviction	135	19%
Advanced Certificates	72	8%
Southern California	369	51%
Northern California	344	49%
Pending at the AG	75	10%
License Revoked	6	<1%
License Surrendered	12	<1%
Terminated	0	<1%
Completed	10	<1%
Total in-state probationers	713	
Tolled Probationers	213	

No public comment and no motion required..

8.3 Enforcement Statistics

Stacie Berumen presented this report

Statistics for the Enforcement Division:

COMPLAINT INTAKE

	JUL-12	AUG-12	SEP-12	OCT-12	YTD
COMPLAINTS					
RECEIVED	158	401	308	186	1053
CLOSED W/O INV ASSIGNMENT	32	44	26	50	152
ASSIGNED FOR INVESTIGATION	101	351	298	183	933
AVG DAYS TO CLOSE OR ASSIGN	22	8	10	50	19
PENDING	147	153	137	90	90

	JUL-12	AUG-12	SEP-12	OCT-12	YTD
CONVICTIONS/ARREST REPORTS					
RECEIVED	510	405	356	387	1658
CLSD/ASSGND FOR INVESTIGATION	500	338	401	400	1639
AVG DAYS TO CLOSE OR ASSIGN	4	8	9	14	9
PENDING	69	136	91	78	78

	JUL-12	AUG-12	SEP-12	OCT-12	YTD
TOTAL INTAKE					
RECEIVED	668	806	664	573	2711
CLOSED W/O INV ASSIGNMENT	50	49	33	69	201
ASSIGNED FOR INVESTIGATION	583	684	692	564	2523
AVG DAYS TO CLOSE OR ASSIGN	8	8	10	27	13
PENDING	216	289	228	168	168

INVESTIGATIONS

DESK INVESTIGATIONS

	JUL-12	AUG-12	SEP-12	OCT-12	YTD
ASSIGNMENTS	584	682	693	564	2523
CLOSED	664	710	761	989	3124
AVERAGE DAYS TO CLOSE	158	138	135	130	139
PENDING	3471	3376	3252	2766	2766

FIELD INVESTIGATIONS: NON-SWORN

	JUL-12	AUG-12	SEP-12	OCT-12	YTD
ASSIGNMENTS	10	13	32	5	60
CLOSED	14	2	12	10	38
AVERAGE DAYS TO CLOSE	988	766	694	726	815
PENDING	275	285	305	299	299

FIELD INVESTIGATIONS: SWORN

	JUL-12	AUG-12	SEP-12	OCT-12	YTD
ASSIGNMENTS	46	53	23	62	184
CLOSED	79	66	73	71	289
AVERAGE DAYS TO CLOSE	639	590	576	644	613
PENDING	825	817	767	753	753

ALL INVESTIGATIONS

	JUL-12	AUG-12	SEP-12	OCT-12	YTD
FIRST ASSIGNMENTS	584	684	693	564	2525
CLOSED	757	778	846	1070	3451
AVERAGE DAYS TO CLOSE	224	178	181	169	186
PENDING	4571	4478	4324	3818	3818

ALL INVESTIGATIONS AGING

	JUL-12	AUG-12	SEP-12	OCT-12	YTD
UP TO 90 DAYS	420	434	487	606	1947
91 TO 180 DAYS	60	93	111	163	427
181 DAYS TO 1 YEAR	99	110	72	142	423
1 TO 2 YEARS	124	96	128	108	456
2 TO 3 YEARS	38	42	40	32	152
OVER 3 YEARS	16	3	8	18	45

CLOSED W/O DISCIPLINE REFERRAL

	JUL-12	AUG-12	SEP-12	OCT-12	YTD
CLOSED	554	586	637	828	2605
AVERAGE DAYS TO CLOSE	162	136	124	129	137

ENFORCEMENT ACTIONS

AG CASES	JUL-12	AUG-12	SEP-12	OCT-12	YTD
AG CASES INITIATED	145	146	164	194	649
AG CASES PENDING	1507	1470	1542	1661	1661
SOIs/ACCUSATIONS	JUL-12	AUG-12	SEP-12	OCT-12	YTD
SOIs FILED	13	13	7	18	51
ACCUSATIONS FILED	71	48	75	107	301
SOI DECISIONS/STIPS	JUL-12	AUG-12	SEP-12	OCT-12	YTD
PROP/DEFLT DECISIONS	8	9	4	1	22
STIPULATIONS	0	14	7	10	31
ACC DECISIONS/STIPS	JUL-12	AUG-12	SEP-12	OCT-12	YTD
PROP/DEFLT DECISIONS	35	74	13	17	139
STIPULATIONS	47	56	57	26	186
SOI DISCIPLINARY ORDERS	JUL-12	AUG-12	SEP-12	OCT-12	YTD
SOI FINAL ORDERS (DEC/STIPS)	8	23	11	11	53
AVERAGE DAYS TO COMPLETE	611	539	549	513	547
ACC DISCIPLINARY ORDERS	JUL-12	AUG-12	SEP-12	OCT-12	YTD
ACC FINAL ORDERS (DEC/STIPS)	82	130	70	43	325
AVERAGE DAYS TO COMPLETE	757	728	862	825	777
TOTAL DISCIPLINARY ORDERS	JUL-12	AUG-12	SEP-12	OCT-12	YTD
TOTAL FINAL ORDERS (DEC/STIPS)	90	153	81	54	378
TOTAL AVERAGE DAYS TO COMPLETE	744	700	820	761	745
TOTAL ORDERS AGING	JUL-12	AUG-12	SEP-12	OCT-12	YTD
UP TO 90 DAYS	0	0	0	0	0
91 TO 180 DAYS	0	0	0	0	0
181 DAYS TO 1 YEAR	5	12	3	7	27
1 TO 2 YEARS	50	90	35	21	196
2 TO 3 YEARS	24	30	29	14	97
OVER 3 YEARS	11	21	14	12	58
SOIs WDRWN DSMSSD DCLND	JUL-12	AUG-12	SEP-12	OCT-12	YTD
SOIs WITHDRAWN	0	2	1	3	6
SOIs DISMISSED	0	0	0	0	0
SOIs DECLINED	0	0	0	0	0
AVERAGE DAYS TO COMPLETE	0	222	333	474	366
ACCUSATIONS WDRWN DSMSSD DCLND	JUL-12	AUG-12	SEP-12	OCT-12	YTD
ACCUSATIONS WITHDRAWN	0	2	1	2	5
ACCUSATIONS DISMISSED	0	0	0	1	1
ACCUSATIONS DECLINED	1	1	4	7	13
AVERAGE DAYS TO COMPLETE	901	1014	671	432	611

NO DISCIPLINARY ACTION	JUL-12	AUG-12	SEP-12	OCT-12	YTD
CLOSED W/O DISCIPLINARY ACTION	1	1	0	5	7
AVERAGE DAYS TO COMPLETE	51	662	0	402	389
CITATIONS	JUL-12	AUG-12	SEP-12	OCT-12	YTD
FINAL CITATIONS	37	77	95	113	322
AVERAGE DAYS TO COMPLETE	571	258	167	148	228
OTHER LEGAL ACTIONS	JUL-12	AUG-12	SEP-12	OCT-12	YTD
INTERIM SUSP ORDERS ISSUED	0	0	0	2	2
PC 23 ORDERS ISSUED	1	3	0	1	5

PERFORMANCE MEASURES

	JUL-12	AUG-12	SEP-12	OCT-12	YTD
PM1: COMPLAINTS VOLUME	158	401	308	186	1053
PM1: CONV/ARREST RPTS VOLUME	510	405	356	387	1658
PM2: CYCLE TIME-INTAKE	8	8	10	27	13
PM3: CYCLE TIME-NO DISCIPLINE	162	136	124	129	137
PM4: CYCLE TIME-DISCIPLINE	736	700	820	731	738

PM1: COMPLAINTS VOLUME - PM1: CONV/ARREST RPTS VOLUME

Number of Complaints and Convictions/Arrest Orders Received within the specified time period.

PM2: CYCLE TIME-INTAKE

Average Number of Days to complete Complaint Intake during the specified time period.

PM3: CYCLE TIME-NO DISCIPLINE

Average Number of Days to complete Complaint Intake and Investigation steps of the Enforcement process for Closed Complaints not resulting in Formal Discipline during the specified time period.

PM4: CYCLE TIME-DISCIPLINE

Average Number of Days to complete the Enforcement process (Complaint Intake, Investigation, and Formal Discipline steps) for Cases Closed which had gone to the Formal Discipline step during the specified time period.

**CALIFORNIA BOARD OF REGISTERED NURSING
ENFORCEMENT STATISTICS**

October 31, 2012

STATISTICAL DESCRIPTION	2008-09	2009-10	2010-11	2011-12	2012-13*	Projected FY 2012-13
Complaints Received	5,794	7,483	7,977	7,844	2,711	8,133
Consumer Complaints	3,323	2,190	3,063	2,735	1,053	3,159
Convictions/Arrests	2,471	5,293	4,914	5,109	1,658	4,974
Referred to Diversion Program	400	604	368	1,053	243	729
Division of Investigation (Sworn)-Assigned	582	484	835	693	184	552
Division of Investigation Closed	748	1,015	716	648	289	867
Division of Investigation Pending	1,170	641	789	851	753	
BRN Investigations (Non Sworn)-Assigned		58	33	298	60	180
BRN Investigations Closed		14	53	27	38	114
BRN Investigations Pending		40	25	280	299	
BRN Desk Investigations Assigned	5,650	7,865	7,409	7,204	2,523	7,569
BRN Desk Investigations Closed	3,519	7,116	6,668	5,925	3,124	9,372
BRN Desk Investigations Pending	1,677	1,887	2,137	3,029	2,766	
Criminal Actions Filed	22	21	16	9	0	0
Total Cite and Fine Citations Issued	115	181	105	412	322	966
Referred to Attorney General	515	766	1,190	944	649	1,947
Cases Pending at Attorney General	692	838	1,198	1,448	1,618	
Petitions to Revoke Probation Filed	59	91	61	55	17	51
Accusations Filed	359	696	913	589	301	903
Statements of Issues Filed	14	13	52	132	51	153
Total Pleadings	432	800	1,026	776	369	1,107
Orders to Compel Examination (Sec. 820)	4	4	10	12	3	9
Interim Suspension Order	2	8	1	0	2	6
PC23	8	6	7	8	5	15
Applicant Disciplinary Actions:						
(a) License Denied	15	27	55	72	22	66
(b) License Issued on Probation	4	9	14	43	36	108
Total, Applicant Discipline	19	36	69	115	58	174
Licensee Disciplinary Actions:						
(a) Revocation	131	243	273	227	118	354
(b) Probation	139	176	267	225	113	339
(c) Suspension/Probation	6	1	6	3	0	0
(d) License Surrendered	79	92	155	128	71	213
(e) Public Reprimand/Reproval	8	12	37	79	21	63
(f) Decisions Other	5	2	5	3	2	6
Total, Licensee Discipline	368	526	743	665	325	975
Process Used for Discipline (licensees)						
(a) Administrative Hearing	56	58	102	121	42	126
(b) Default Decision	105	206	217	183	97	291
(c) Stipulation	207	262	424	361	186	558
Total	368	526	743	665	325	975

*Fiscal Year to Date

8.4 Diversion Program Update and Statistics

Carol Stanford presented this report

BACKGROUND:

Program Update

The Program Manager, Carol Stanford and the Maximus Project Director, Virginia Matthews presented at an educational seminar to hospital senior staff of three different hospitals, Montclair Hospital, Chino Valley Medical Center and San Dimas Community Hospital on September 13, 2012, in Monrovia, CA. Staff indicated the information was sorely needed as some senior staff was unaware of the program. The information was well received.

On September 25, 2012, representatives from Hazelden, Springbrook presented information regarding their treatment centers and access to treatment they provide to Maximus, BRN and DCA Diversion Program Staff.

On December 4, 2012, a Nurse Support Group Conference will be held in Emeryville, California to train NSG facilitators about requirements and expectations. There will also be a DEC member orientation on December 5, 2012, at the same location. Dr. Mihran Ask will present information regarding pain management and drug addiction.

Contractor Update

Throughout the year DCA contract and legal staff along with the DPC (Diversion Program Committee) have met with Maximus to work on amendment language for the upcoming Diversion Program Contract.

Diversion Evaluation Committees (DEC)

There is currently one vacancy as follows: one RN member. This vacancy will be filled if the new applicant is approved.

Statistics

The Statistical Summary Report for August and September, 2012 is attached. As of September 30, 2012, there were 1,705 successful completions.

No public comment and no motion required.

**BOARD OF REGISTERED NURSING
DIVERSION PROGRAM
STATISTICAL SUMMARY
August 1, 2011 - September 30, 2012**

	CURRENT MONTHS	YEAR TO DATE (FY)	PROGRAM TO DATE
INTAKES COMPLETED	39	46	4,500
INTAKE INFORMATION			
Female	31	38	3,523
Male	8	8	950
Unknown	0	0	27
Average Age	30-54		
Most Common Worksite	Hospital		
Most Common Specialty	Critical Care/Med-Surg		
Most Common Substance Abused	Alcohol/Norco		
PRESENTING PROBLEM AT INTAKE			
Substance Abuse (only)	17	18	2,894
Mental Illness (only)	1	1	148
Dual Diagnosis	18	23	1,407
Undetermined	3	4	51
REFERRAL TYPE*			
Board	29	33	3,232
Self	10	13	1,268
*May change after Intake			
ETHNICITY (IF KNOWN) AT INTAKE			
American Indian/Alaska Native	1	1	32
Asian	3	3	90
Asian Indian	0	0	5
African American	1	1	140
Hispanic	4	4	174
Native Hawaiian/Pacific Islander	0	0	19
Caucasian	30	37	3,711
Other	0	0	63
Not Reported	0	0	266
CLOSURES			
Successful Completion	21	36	1,705
Failure to Derive Benefit	0	0	115
Failure to Comply	2	3	941
Moved to Another State	0	0	51
Not Accepted by DEC	0	0	47
Voluntary Withdrawal Post-DEC	1	2	305
Voluntary Withdrawal Pre-DEC	4	5	448
Closed Public Risk	0	1	247
No Longer Eligible	1	2	12
Clinically Inappropriate	2	3	15
Client Expired	0	0	38
Sent to Board-Pre DEC	0	0	1
TOTAL CLOSURES	31	52	3,925
NUMBER OF PARTICIPANTS: 448 (as of September 30, 2012)			

8.4.1 Diversion Evaluation Committee Member Appointment, Transfers and Resignations

BACKGROUND:

In accordance with B&P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Diversion Evaluation Committees. Each Committee for the Diversion Program is composed of three registered nurses, a physician, and a public member with expertise in substance use and abuse disorders and/or mental health.

APPOINTMENTS

Below are the names of candidates who were interviewed and are being recommended for appointment to the DEC. Their applications and résumés are attached. If appointed, their terms will expire November 30, 2016.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Marilyn Dray	RN Member	Oakland	13

TRANSFERS

Below are the names of DEC members who would like to transfer from their appointed DEC to other DEC's for various reasons.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Sharon Fritz	RN	Santa Ana	14
Tonia Jones	RN	San Diego	10
Patricia Mraz	RN	Santa Ana	14

INFORMATION ONLY:

Diversion Evaluation Committee Member Resignation for personal reasons.

<u>NAME</u>	<u>TITLE</u>	<u>DEC</u>	<u>NO</u>
Christopher Schaal	RN	Oakland	13

No public comment.

MSC: Jackson/Phillips to approve the appointment of Marilyn Dray, of Oakland as a DEC Member.
5/0/0

MSC: Jackson/Klein to approve transfers of DEC members from appointed DEC's to other DEC's.
5/0/0

8.5 Substance Abuse Information and Overview

BACKGROUND:

Substance Abuse Disorder Information Training

The Board of Registered Nursing will be conducting another training regarding RN and Substance Use Disorders and Pain Management. There is a continual need for information and training in these areas as it relates to RNs. Lack of education about the addictive process and recognizing signs and symptoms remains one of the more profound risk factors for nurses. (NCSBN 2011).

Additionally, workplace risk factors can predispose nurses to developing substance abuse and addiction and substance abuse has been cited as an occupational hazard for those in the health care field (Brooke, Edwards & Taylor, Naegle, 1988) The ready availability of medications is an occupational hazard. Professional training involving powerful medications lead to an acceptance of self-diagnosing and self-medicating for physical pain or stress to enable the nurse to continue work. The work schedule and other job demands create adverse states, such as stress and fatigue that can lead to viewing drug use as a coping mechanism or solution. (Clark & Farnsworth, 2006)

Dr. Stephen Grinstead, LMFT, ACRPS, CAADAC, who is the author of the book "Freedom from Suffering: A Journey of Hope" as well as several other chronic pain management books is an internationally recognized expert in preventing relapse related to chronic pain disorders. He has also developed the Addiction-Free Pain Management® System and has been working with pain management, addictive disorders and coexisting mental and personality disorders for over twenty-eight years. Dr. Stephen Grinstead provided a brief training at the Board Meeting held on November 28, 2012.

No public comment and no motion required.

9.0 Report of the Education/Licensing Committee

Michael Jackson, BSN, RN, Chairperson

9.1 Ratify Minor Curriculum Revision

Leslie Moody presented this report

- University of California San Francisco Entry Level Master's Degree Nursing Program
- Cabrillo College Associate Degree Nursing Program
- East Los Angeles College Associate Degree Nursing Program
- Ohlone College Associate Degree Nursing Program

Acknowledge Receipt of Program Progress Report:

- Reedley College at the Madera Community College Center LVN-to-RN Associate Degree Nursing Program
- Southwestern College Associate Degree Nursing Program

No public comment.

MSC: Jackson/Phillips to ratify minor curriculum revisions and acknowledge receipt of progress report. 5/0/0

9.2 Education/Licensing Committee Recommendations

- A. Continue Approval of Prelicensure Nursing Program
 - Azusa Pacific University Baccalaureate Degree and Entry Level Master's Degree Nursing Programs
 - California State University, Bakersfield, Baccalaureate Degree Nursing Program
 - California State University, East Bay, Baccalaureate Degree Nursing Program
 - California State University, Sacramento, Baccalaureate Degree Nursing Program
 - Samuel Merritt University Baccalaureate Degree Nursing Program, ABSN Program, and Entry Level Master's Degree Nursing Program (Oakland, San Francisco, San Mateo and Sacramento Campuses)
 - Citrus College Associate Degree Nursing Program
 - City College of San Francisco Associate Degree Nursing Program
 - Monterey Peninsula College Associate Degree Nursing Program
 - Pacific Union College Associate Degree Nursing Program
 - Unitek College LVN to RN Associate Degree Nursing Program
 - Ventura College Associate Degree Nursing Program
- B. Defer Action to Continue Approval of Prelicensure Nursing Program
 - San Francisco State University Baccalaureate Degree and Entry Level Master's Degree Nursing Programs
 - College of the Siskiyou's LVN to RN Associate Degree Nursing Program
- C. Continue Approval of Advanced Practice Nursing Program
 - Samuel Merritt University Nurse Practitioner Program (Oakland and Sacramento Campuses)
 - University of California, Davis, Nurse Practitioner Program
- D. Approve Major Curriculum Revision
 - Mount Saint Mary's College Baccalaureate Degree Nursing Program
 - San Francisco State University Nurse Practitioner Program
 - University of California, Davis, Nurse Practitioner Program

No public comment.

MSC: Jackson/Klein motion to accept the Education/Licensing Committee Recommendations. 5/0/0

9.3 Initial Approval of Prelicensure Nursing Program

Miyo Minato presented this report

9.3.1 CNI College Associate Degree Nursing Program

BACKGROUND:

On September 18, 2012 Miyo Minato, SNEC, and Gloria Middleton, NEC, conducted an initial program approval site visit. The program was found to be in compliance with Board rules and regulations.

CNI College is located in the heart of Orange County near the city of Santa Ana. CNI College has a strong background in the provision of vocational education (Vocational Nursing, Surgical Technology, Pharmacy Technician, MRI Technologist, Massage Therapy, Medical Assisting, Medical Billing and Coding, and Personal Fitness and Training) since

1994. The total number of enrollment for the college is 506. The enrollments in their LVN and Surgical Technology Programs have 221 and 106 students respectively.

It is a private for-profit institution. CNI College is accredited by the Accrediting Bureau of Health Education Schools (ABHES) and has degree granting from the Bureau of Private Postsecondary Education to award Associate of Science Degree in Nursing.

CNI's Vocational Program is approved by the BVNPT, and their pass rates are:

2008 Qtr 1-4		2009 Qtr 1-4		2010 Qtr 1-4		2011 Qtr 1-4		2012 Qtr 1-2	
Taken	Passed	Taken	Passed	Taken	Passed	Taken	Passed	Taken	Passed
128	73%	85	94%	79	92%	61	97%	45	93%

Sandy Carter was hired in March 2011 as the Director of the ADN Program and Executive Director of Nursing Programs. She has developed the curriculum working with curriculum consultants. Their current curriculum consultant is Dr. Mary Wickman from Vanguard University, who is the former Program Director at CSU Fullerton BSN Program. Mr. Jim Buffington is President, CEO and Founder of CNI College.

The Board accepted the feasibility study from CNI College at the Board Meeting on September 23, 2010. There was a delay in implementing their RN program because their LVN Program needed to be stabilized first. It has been the vision of CNI College to implement a professional nursing program for more than six years, with the intent of providing a full scope of health career options at their campus.

CNI College consists of a single campus, and College has designated approximately 7,000 square feet of the College's main campus to the proposed School of Nursing. The self study included a floor plan of remodeled spaces added to the current College spaces. The plan for the remodeled space will include three classrooms (32 students); science lab and computer assisted virtual lab, and a six-bed Skills Lab that has mid-fidelity simulators, and separate Simulation Lab with hi-fidelity simulators, Sim-Man and Noelle. Hiring of FT Lab Coordinator is in the plan. This space is to be completed by the end of November. Current facility has two classrooms (32 seats each), adequate computer lab spaces, and skills lab used by the LVN Program that can be enhanced with the necessary equipment for the RN Program, if needed for a construction delay. There are ample spaces to house nursing faculty and areas to hold private conferences.

Students will have laptops and the College has WIFI capabilities throughout so that online learning resources, including Learning & Information Resource Network (LIRN), Pearson Learning Management Systems, The Neighborhood, and Assessment Technology, Inc (ATI) Comprehensive Assessment and Review Program could be used. Additionally, the College has a partnership with St. Joseph Hospital, Orange, that has a large Medical Library that their students will have access to the medical and nursing resources, and reference librarians are available during regular hours the library is opened.

The proposed curriculum is based on Concept-based Learning Model that incorporates nursing process throughout. Learning outcomes include: Professional Behaviors, Assessment, Communication, Clinical Decision-Making, Teaching and Learning, Collaboration, and Managing Care. Concepts are grouped into three domains: Nursing,

Individual, and Health Care. Each of the domains has competencies that incorporates the NLN educational competencies for ADN graduates as well competencies from the Quality and Safety Education for Nursing (QSEN).

The curriculum covers two years, eight quarters, with each quarter being 10 weeks in length. First two quarters are primarily general studies courses, and remaining six quarters having the nursing courses. A preceptorship course in the last quarter is the capstone course, Leadership and Management Concepts, that students have 150 hours one-to-one with a RN to practice the entry-level RN skills. The total curriculum has 115 quarter units: Nursing units are 61 (32 theory and 29 clinical); Communications are 10 units; Sciences are 30 units; and other degree requirements are 14 units. The curriculum plan includes LVN to ADN Option and the required 45-unit LVN non-degree option.

At the time of the site visit, the program had committed clinical sites from twelve (12) clinical agencies: Eight (MS, 8 acute care); Two (Geri, SNF/Subacute); Four (OB); Three (Peds, 2-acute; 1 MD practice); Two (Psych, 1-clinic/outpatient; 1-inpatient). Seven of the sites were visited and verified with the agency representatives for any displaced students due to the new clinical cohort and adequacy for the required five content areas. Updated clinical information is included with the agenda item summary. The program has a coordinator who is continuing to expand to the list of clinical agencies for the program.

The self study included a plan as to when and the number of faculty members are hired as the program enrolled students. The program initially proposed to admit 24 students each quarter (96 students per year) but have reconsidered and agreed to the recommendation by ELC to two admissions of 24 every other quarter and re-evaluate after one year. The Program will admit the initial cohort on January 14, 2013.

The program has had inquiries about the proposed program and has a number of interested students without having advertisements. Their resources for admission and other support services, such as financial aid and tutoring services are already in place and ready for the proposed program opening. Administration has been planning and committed to making this program a successful program similar to their LVN Program.

MSC: Jackson/Niemela to grant initial approval of CNI College ADN Program, limiting admission to 24 students every other quarter (two admissions in one year). Re-evaluate in one year and return to ELC for any consideration to increase enrollment. NEC to conduct final visit of the remodeled building, classrooms and simulation lab, when completed and to maintain monitoring of the new program, including new program visits per protocol. 5/0/0

9.4 2011 Goal Achievement Report

Leslie Moody presented this report

BACKGROUND: Annually the Education/Licensing Committee reviews the activities of the previous calendar year relative to the adopted ELC goals and objectives. Educational program activities related to continuing approval of nursing programs as well as review of new program approvals for the period January 2011 – June 2012 are summarized below.

- Every eight years, a continuing approval visit is conducted for prelicensure and advanced practice nursing programs. In 2011, a total of 30 nursing programs

were reviewed for continuing approval: 23 pre-licensure programs (13 ADN, 1 LVN-RN, 6 BSN, 3 ELM); and 6 nurse practitioner programs.

- A one-day interim visit with site visit is conducted every four years between the continuing approval visits. 12 scheduled interim visits were conducted and additional visits were conducted as needed for special focus visits.
- 32 letters of intent (LOI) for new prelicensure programs were received. This number includes resubmission of LOI previously submitted but not yet acted upon by submission of a feasibility study. Submissions received after June 15, 2011 were responded to with notification advising of the BRN moratorium on acceptance of new feasibility studies.
- 15 feasibility studies were reviewed by ELC, 2 were accepted (ADN) and 13 feasibility studies were deferred or not accepted, including 2 programs that submitted their feasibility study more than once in this or the prior year. Due to the shortage of existing BRN Nursing Education Consultants (NEC), the hiring freeze, and the high number of new and existing programs requiring monitoring by staff, on June 15, 2011 the BRN took the measure of temporarily suspending the process of accepting and reviewing Feasibility Studies for proposed new prelicensure Registered Nursing programs. That action continues in effect.

2011-2013 GOALS AND OBJECTIVES **ACHIEVEMENTS January 1, 2011 – June 30, 2012**

GOAL 1

Ensure that programs of nursing education meet regulatory requirements and that curriculum integrates content to address recent political, technical, economic, healthcare and nursing practice developments.

- 1.1 Review prelicensure and advanced practice program content, including public health nurse content, to determine if they meet regulatory requirements and reflect current trends in healthcare and nursing practice.
- 1.2 Evaluate BRN policy statements to ensure they are accurate and current, and update as needed to reflect current statute, regulation and policy.
- 1.3 Ensure that nursing education programs include the Scope of Practice of Registered Nurses in California (BPC 2725) and the Standards for Competent Performance (CCR 1443.5) in their curriculum.
- 1.4 Gain awareness of current political, technical, economic, healthcare and nursing practice trends through attendance at and participation in educational conferences and various committees within California and nationally.
- 1.5 Monitor legislation affecting nursing education and convene advisory committees when appropriate.
- 1.6 Monitor nursing program content for curricular application/inclusion of recommendations from the 2010 Institute of Medicine's - Future of Nursing, Carnegie Study on the Transformation of Nursing Education, and the Quality and Safety Education for Nurses (QSEN) Competencies.

ACHIEVEMENTS:

- Scheduled continuing approval visits are conducted for prelicensure and advanced practice nursing programs every eight years. Continuing approval visit results for 23 prelicensure nursing programs (13 ADN, 1 LVN-RN, 6 BSN, 3 ELM), 6 nurse practitioner programs, and 1 new program initial approval visit were reported to and reviewed by the ELC. Additional visits were conducted and reported as needed in response to special concerns.
- Scheduled interim visits to prelicensure nursing programs are conducted every four years, mid-way between the continuing approval visits. 12 scheduled interim visits were conducted (9 ADN, 3 BSN) and special focus visits were conducted as needed.
- 32 letters of intent (LOI) for new prelicensure programs were received. This number includes resubmission of LOI previously submitted but not yet acted upon by submission of a feasibility study. Submissions received after June 15, 2011 were responded to with notification advising of the BRN moratorium on acceptance of new feasibility studies.
- 15 feasibility studies were reviewed by ELC, 2 were accepted (ADN) and 13 feasibility studies were deferred or not accepted, including 2 programs that submitted their feasibility study more than once in this or the prior year. Due to the shortage of existing BRN Nursing Education Consultants (NEC), the hiring freeze, and the high number of new and existing programs requiring monitoring by staff, on June 15, 2011 the BRN took the measure of temporarily suspending the process of accepting and reviewing Feasibility Studies for proposed new prelicensure Registered Nursing programs. That action continues in effect.
- ELC reviewed and made recommendations for 14 major curriculum revision proposals.
- BRN NEC staff regularly participated in nursing program deans/directors meetings and conferences, and this activity has been routinely reported to the Board as part of the Executive Officer's report.
- Legislation affecting nursing education was addressed as part of the BRN Legislative Committee agendas.
- During regularly scheduled continuing approval and interim visits, nursing programs were evaluated for curricular application of recommendations from the 2010 Institute of Medicine's - Future of Nursing, Carnegie Study on the Transformation of Nursing Education, and the Quality and Safety Education for Nurses (QSEN) Competencies.
- During regularly scheduled continuing approval visits, nursing programs were evaluated to ensure that nursing education programs include the Scope of Practice of Registered Nurses in California (BPC 2725) and the Standards for Competent Performance (CCR 1443.5) in their curriculum.
- Reviewed and revised BRN policy statements and practice advisories were addressed as part of the Nursing Practice Committee agendas.

GOAL 2

Provide leadership in the development of new approaches to nursing education.

- 2.1 Support creative approaches and strategic partnerships between nursing education programs, healthcare industry and the community, such as transition to practice and post-licensure residency programs, to prepare registered nurses to meet nursing and community needs.

- 2.2 Review NPA regulations for congruence with current nursing education, practice standards and trends, and recommend or promulgate proposals for revisions to regulation that will ensure the high quality of nursing education.
- 2.3 Sponsor and/or co-sponsor educational opportunities for professional development of nursing educators and directors in service and academia.
- 2.4 Evaluate the use of technology in teaching activities, such as on-line research, distance learning, Web-based instruction and high-fidelity simulation laboratory experiences, for effectiveness and encourage its use in nursing programs.
- 2.5 Encourage and support programs' development of articulation agreements and other practices that facilitate seamless transition between programs for transfer and admission into higher degree programs.
- 2.6 Encourage and support graduate nursing education programs to prepare nurse educators and other nursing specialists to support implementation of the Health Care Reform Act of 2009.

ACHIEVEMENTS:

- A proposal was presented regarding accreditation requirement for institutions of higher education offering a prelicensure nursing program. Following review of stakeholder input received by direct contact and through open forum sessions held across the State, the Board directed staff to seek the legislative authorization necessary allowing the Board to require that approval of a prelicensure nursing program will require the sponsoring school to have institutional accreditation.
- Regulatory change process was initiated to implement, interpret, and make specific Business and Professions Code Section 901, enacted by Assembly Bill 2699 which provides an exemption from licensure regulation requirements for health care practitioners, including registered nurses, who are licensed in another state or states and who provide nursing care, on a voluntary basis, at sponsored health events to uninsured or underinsured persons.
- The policy and process regarding "memorandums of understanding for California approved Registered Nursing Programs in partnership with out-of-state online Registered Nursing Programs" was reviewed and will be revisited in the future as needed in regards to future program applications.
- Evaluation of the use of instructional technology including simulation, instructional software and classroom computers was conducted prior to approval of new programs and during scheduled continuing approval and interim program visits.

GOAL 3

Ensure that reports and data sources related to nursing education in California are made available to nurse educators, the public, and others.

- 3.1 Collaborate with the University of California San Francisco in conducting the consolidated online annual school survey of the prelicensure nursing education programs in California. Publish survey results on the BRN Website.
- 3.2 Maintain and analyze systematic data sources related to prelicensure and advanced nursing education, including the use of simulation, reporting findings annually.
- 3.3 Provide information about nursing programs to the public.
- 3.4 Maintain information related to each prelicensure program and update periodically.
- 3.5 Provide data to assist nursing programs in making grant or funding applications.

- 3.6 Encourage prelicensure programs to utilize NCSBN data and analysis of entry level RN practice to evaluate the effectiveness nursing education programs in preparing graduates for practice.
- 3.7 Analyze data captured by the CA BRN Survey of Nurse Practitioners and Midwives 2010 and the Survey of Clinical Nurse Specialists, and publish the results on the BRN website.

ACHIEVEMENTS:

- Surveys conducted (in collaboration with UCSF and other organizations such as CINHC, ACNL, CSNA, UCLA School of Nursing), reported, posted to the BRN website, noted in BRN Report newsletter and circulated to stakeholders included: 2009 – 2010 Annual School Report; 2009 – 2010 Post-Licensure Program Annual Report; 2010 Survey of Clinical Nurse Specialists; 2010 Survey of Nurse Practitioners and Midwives; report on the Diversity of California's Registered Nursing Workforce; 2010-2011 Post-Licensure Nursing Program Summary and Historical Trend Analysis; 2010-2011 California New Graduate Survey.
- Information about approved and fraudulent programs was published on the BRN website and in the publication BRN Report Winter 2011. Reports to the BRN of unapproved nursing programs were investigated and appropriate action taken based on findings.
- Program information was updated via the annual survey of all approved programs.
- Program information was posted on the BRN Website and provided to individuals who inquire via phone or e-mail.
- NECs encouraged prelicensure programs to utilize the NCSBN NCLEX-RN Test Plan and other related resources when evaluating curriculum and instruction.

GOAL 4

Facilitate and maintain an environment of collegial relationships with deans and directors of prelicensure and advanced practice programs.

- 4.1 Conduct an annual orientation for new directors and an annual update for both new and continuing directors.
- 4.2 Maintain open communication and provide consultation and support services to nursing programs in California.
- 4.3 Present BRN updates at the quarterly ADN Directors' Meetings, annual CACN/ADN Meeting, and other venues as appropriate.
- 4.4 Maintain open communications with advanced practice education program directors and seek input related to current advanced practice issues such as the implications of the Health Care Reform Act of 2009.
- 4.5 Conduct biennial meetings with advanced practice program directors to provide updates and foster discussions pertinent to advanced practice in California.

ACHIEVEMENTS:

- The annual Directors Update was presented by BRN staff on October 5, 2011, in conjunction with the Fall COADN/CACN program deans/directors conference. The program included a session for new program directors and a session to update all directors.
- NECs provided consultation to nursing programs through written correspondence, phone contact, and visits to the nursing program sites.

- BRN staff provided input and consultation to advance practice organizations as requested and for such projects as the APRN Consensus Model – LACE.

GOAL 5

Provide ongoing monitoring of the Continuing Education (CE) Program, and verify compliance with BRN requirements by licensees and providers.

- 5.1 Review and consider for approval all new and renewal applications for CE providers.
- 5.2 Conduct systematic random audits of registered nurses to monitor compliance with renewal requirements and appropriateness of CE courses completed.
- 5.3 Conduct systematic random reviews of CE providers to monitor compliance with CE regulations.

ACHIEVEMENTS:

- Staff have processed new (409 applications; 336 certificates issued) and renewal applications (1824 certificates renewed) for CE Providers (CEP). Approximately 78% of the applications are forwarded to the Nursing Education Consultant (NEC) liaison to the Continuing Education Program for review of instructor qualifications or to ensure that content is postlicensure and appropriate for nursing continuing education. In turn, she may consult with the Supervising Nursing Education Consultant or other NECs as needed. There are 3,468 Continuing Education Providers as of June 30, 2012.
- Random auditing activity of RNs' compliance with the continuing education requirements and of the CE Providers has been diminished due to ongoing staff shortages in the Renewals Unit.
- Staff have responded to phone calls or written correspondence from the public related to appropriateness of content awarded contact hours by CEPs, among other issues.
- The NEC liaison to the program responds to complaints related to CEPs and consults with the Enforcement Unit staff as appropriate. The number of complaints is low, usually two or three a year. One complaint was initiated by a Board member; the CEP certificate holder immediately corrected the information on its Web site in response to being informed of the BRN's concern.

GOAL 6

Continue the assessment and review of the NCLEX-RN examination process, and maintain a collaborative relationship with the National Council of State Boards of Nursing.

- 6.1 Conduct periodic review of the NCLEX-RN examination process to ensure established security and other testing standards are met.
- 6.2 Encourage nurse educators and working RNs to participate in NCLEX-RN examination panels to ensure consistent representation from California.
- 6.3 Participate in various NCSBN committees and conferences to maintain representation from California.
- 6.4 Continue to monitor NCLEX-RN administration by the testing vendor.
- 6.5 Continually monitor and report California and national NCLEX-RN first time pass rates of California candidates, including results for internationally educated candidates.

- 6.6 Contribute to the NCSBN's Transition to Practice Study, ensuring a voice for California stakeholders.
- 6.7 Provide input into the NCSBN Practice Analysis, Test Plan revision and passing standard as requested or appropriate.

ACHIEVEMENTS:

- The BRN Executive Officer and BRN staff have attended NCSBN meetings and conferences, and participated in NCSBN committees and work groups including 2011 World Café, NCSBN Education Committee, Thought Leaders and Transition to Practice Study.
- An article providing information about and encouraging California RNs to serve as item writers, item reviewers, or members of the Standard Setting Panel of Judges for the NCLEX-RN item and examination development process was included in the BRN Report Winter 2011 publication.
- BRN staff have performed review and submitted feedback to the NCSBN regarding the NCLEX-RN examination and Proposed 2013 NCLEX-RN® Test Plan..
- Quarterly and annual NCLEX-RN exam results were regularly reviewed by ELC. NECs monitor reports and take action as required by regulation for any programs falling below the minimum performance threshold of 75% annual pass rate for first time test takers.

No public comment.

9.5 2011-2012 Annual School Survey Update

Leslie Moody presented this report

On October 2, 2012, all nursing program directors in California received e-mail notification to access and complete the online BRN 2011-2012 Annual School Survey. The BRN requests nursing programs to complete the survey as soon as possible so data can be compiled and reported in a timely manner. In order for schools to obtain access to the survey in a timely manner, they are asked to notify the Board of any program director email address changes as soon as possible, or if email notification regarding the survey is not received. The deadline for submitting responses was November 15, 2012. The time period for the data being collected is from August 1, 2011 to July 31, 2012 and the survey census date is October 15, 2012.

The survey collects data on enrollments, graduations, faculty, etc. from California pre-licensure nursing programs. While much of the content remains similar, revisions are made in order to collect more accurate data or to obtain information on current issues. The UCSF research center completes the data collection and reporting on behalf of the BRN and they are using a new software program this year which does change the look and feel of the survey. Reports compiled from data collected from previous surveys can be found on the BRN Web site at <http://rn.ca.gov/forms/pubs.shtml>.

As of November 16, 2012, the survey had been completed by all but seven schools. Follow-up has been completed for all the seven schools who all have plans to complete within the next week. The Board anticipates that a draft statewide report will be available for the January/February 2013 Education Licensing Committee meeting and regional

reports in March/April 2013. Data will be presented in aggregate form and will describe overall trends for both statewide and regional areas.

No public comment.

9.6 Information Only: NCLEX Pass Rate Update

Katie Daugherty presented this report

The Board of Registered Nursing receives quarterly reports from the National Council of State Boards of Nursing (NCSBN) about the NCLEX-RN test results by quarter and with an annual perspective. The following tables show this information for the last 12 months and by each quarter.

NCLEX RESULTS – FIRST TIME CANDIDATES

October 1, 2011- September 30, 2012*

JURISDICTION	TOTAL TAKING TEST	PERCENT PASSED %
California	10,430	90.15
United States and Territories	149,869	90.22

CALIFORNIA NCLEX RESULTS – FIRST TIME CANDIDATES

By Quarters and Year October 1, 2011-September 30, 2012*

10/01/11- 12/31/11		1/01/12- 3/31/12		4/01/12- 6/30/12		7/1/12- 9/30/12		10/01/11- 9/30/12	
# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass	# cand.	% pass
983	84.44	3,258	92.11	2,707	90.62	3,482	89.57	10,430	90.15

**Includes (3), (4), (1) and (5) "re-entry" candidates. The 2010 NCLEX-RN Test Plan and the current passing standard (-0.16 logits) will remain in effect until 3/31/13. Effective April 1, 2013, the 2013 NCLEX-RN Test Plan will be implemented.*

The Nursing Education Consultants (NECs) monitor the NCLEX results of their assigned programs. Current procedure provides that after each academic year (July 1-June 30), if there is substandard performance (below 75% pass rate for first time candidates), the NEC requests the program director submit a report outlining the program's action plan to address this substandard performance. Should the substandard performance continue in the second academic year, an interim visit is scheduled and a written report is submitted to the Education/Licensing Committee. If there is no improvement in the next quarter, a full approval visit is scheduled within six months. A report is made to the Education /Licensing Committee following the full approval visit.

9.7 Licensing Program Report

Christina Sprigg presented this report

Program Update:

The Board of Registered Nursing Licensing Program is experiencing an increase in the number of applications from fall 2012 graduates. The applications cannot be processed prior to the graduation or completion date provided by the nursing programs on the Individual Candidate Rosters. Interim Permits (IP) are issued the day after the applicant is deemed eligible for the NCLEX-RN examination.

We are finding more nursing programs do not submit documentation until after the graduation date and issuance of the final, official transcript. This helps to ensure students have met all degree and nursing requirements.

Bobbi Pierce, Licensing Programs Manager attended the annual Deans and Directors meeting in October. One of the issues discussed was the increase in the number of students who do not successfully pass all of the required course work; and that the nursing programs are not notifying the Board in a timely manner, as required by California Code of Regulations Section 1428.6(b).

It was also discussed that if this continues to be a problem, the Board will discuss other methods for processing applications to ensure that only fully qualified applicants are tested.

Statistics:

The statistics for the last two fiscal years and the first three and one-half months of fiscal year 2012/13 are attached. There was an increase in the number of applications received. This increase in can be attributed to the number of new graduates who submitted applications during the last quarter of 2011/2012.

Issues:

- Applications are still being received from students who attended nursing programs in the Philippines beginning in 2004/2005 who do not complete the clinical cases, required as part of the curriculum, concurrently with the associated theoretical instruction. California Code of Regulations Section 1426 (d) requires that theory and clinical practice be concurrent in the following nursing areas: geriatrics, medical-surgical, mental health/psychiatric nursing, obstetrics and pediatrics.
- We are receiving questionable transcripts and nursing licenses from the Philippines, Nigeria, Sierra Leone, and Armenia. We are routinely contacting nursing programs and asking if the applicant(s) attended the program. This is a lengthy process, but one we feel is necessary to have a level of assurance that the student(s) really attended the program.
- The Board's International Analysts and Enforcement staff had the opportunity to meet with representatives from the Department of Consumer Affairs Division of Investigation and Homeland Security regarding questionable transcripts and nursing licenses. Homeland Security is willing to assist the Board in resolving cases of questionable documents.
- Another increasing problem is the receipt of multiple sets of documentation from the same nursing program for the same applicant. Each set contains different information; i.e., different hours of completed theoretical instruction and clinical practice. Because of the discrepancies we cannot always determine if the completed nursing program meets our education requirements.

- The Board is still receiving applications from students who attended on-line programs offering degrees based on work and/or life experiences. The student can receive a degree without ever speaking to an instructor, opening a book or attending classes. The degree can be awarded in as few as 7 days. A transcript for an applicant who completed one of these programs was sent from a company based in the United Arab Emirates.

No public comment and no motion required.

10.0 Report of the Nursing Practice Committee

Trande Phillips, RN, Chairperson

10.1 Approve/not approve advisory statements for registered nursing: RN, NP, CNM

Janette Wackerly presented this report

Registered nursing advisory statements are available at www.rn.ca.gov. When using the BRN home page, place the cursor on the left hand side of the page "Practice Information." Then click on the document for viewing.

Legal has had opportunity to review the listing of proposed registered nursing, advanced practice advisories, and general advisories listed and to provide changes as determined.

The following advisories are as a result of legislation enacted 2011-2012 Session.

The Practice Committee is requested to review and accept the following registered nursing advisories:

1. Registered Nursing Advisories
 - a. Authorization for RNs to dispense drugs and devices on the order of an NP, CNM and PA in a licensed primary care clinic.
 - b. Emergency Medical Services: Immunity for RNs.

The Practice Committee is requested to review and accept the following nurse practitioner and certified nurse-midwife advisories:

2. Nurse Practitioner and Nurse-Midwives Advisories
 - a. NP and CNM: Change in Requirement for Physician and Surgeon Supervision for Furnishing
 - b. Advanced Practice Registered Nurse – Vehicle Code: Medical Examination
 - c. Tribal Health – Healthcare Practitioners

The Practice Committee is requested to review and accept the following general advisories:

3. General Advisories
 - a. Academic Credit for Prior Military Academic Experience
 - b. Waiver of Active Duty Military/Reservist Licensee Renewal Fees and CEUs
 - c. Military Spouses – Expedited Licensure

- d. California Private Postsecondary Education Act – Prohibition of Non-Disclosure of Accreditation Status

No public comment.

MSC: Phillips/Jackson motion to approve the registered nursing advisory statements. 5/0/0

11.0 Public Comment for Items Not on the Agenda

No public comment.

The meeting adjourned at 12:11 pm. Raymond Mallel, Board President, called the closed session meeting to order at 2:17 pm. The closed session adjourned at 3:49 pm.

12.0 Closed Session

Disciplinary Matters

The Board will convene in **closed session** pursuant to Government Code Section 11126(c) (3) to deliberate on disciplinary matters including stipulations and proposed decisions.

Thursday, November 29, 2012 – 9:00 am

13.0 Call to Order – Board President called the meeting to order at 9:05 am and had the members introduce themselves.

Members: Raymond Mallel, Esq., President
Cynthia Klein, RN, Vice President
Erin Niemela
Michael D. Jackson, BSN, RN
Trande Phillips, RN

Executive Officer: Louise Bailey, M.Ed., RN

Students attended the meeting representing the following schools:

American River College
De Anza College
Chabot Nursing College
Holy Names University
San Francisco City College

14.0 Public Comment for Items Not on the Agenda

No public comment

15.0 Disciplinary Matters

Petitions for Reinstatements

Amy Bradish (Pending)

Arsenio Evalle (Pending)

Gina D'Ottavio (Reinstatement Denied)

Judith Ruja (Reinstatement Granted; 3 Years Probation)

Phillip Romanelli (Reinstatement Denied)

William Reimers (Reinstatement Denied)

Petitions for Early Termination / Modification of Probation

Sassaneh Chieksulaimani (Early Termination of Probation Granted)

Kemron Ebanks (Early Termination of Probation Granted)

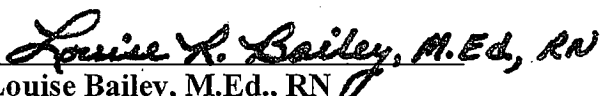
Janet Pfeiler (Early Termination of Probation Granted)

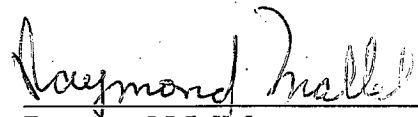
16.0 Closed Session

Disciplinary Matters

The Board convened in **closed session** pursuant to Government Code Section 11126(c) (3) to deliberate on the above matters and other disciplinary matters including stipulations and proposed decisions.

Raymond Mallel, Board President, called the closed session meeting to order at 1:25 pm. The closed session adjourned at 1:56 pm.


Louise Bailey, M.Ed., RN
Executive Officer


Raymond Mallel
Board President